

PORTLAND HARBOR
SUPERFUND SITE

PUBLIC COMMENT: AUDIENCE

TRANSCRIPT OF PROCEEDINGS

JUNE 24, 2016

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Ms . (b) (6)	5
Mr . (b) (6)	7
(b) (6)	8
Mr . (b) (6)	13
Ms . (b) (6)	14
Ms . (b) (6)	15
Mr . (b) (6)	17

1

-oOo-

2

MS. SMITH: Good afternoon. On

3

behalf of the Environmental Protection Agency I'd

4

like to thank you for taking time out of your busy

5

schedule to come here today, and welcome to the

6

official public comment portion of the meeting.

7

I'm Judy Smith and I work for EPA and I'm going to

8

be the hearing officer in this room today. It's my

9

responsibility to ensure that the hearing is run

10

properly and that those who have signed up to

11

provide two minutes of oral comments have the

12

opportunity to do so.

13

This proceeding is to receive public

14

comment on U.S. EPA's proposed cleanup plan for the

15

Portland Harbor Superfund Site. EPA will not be

16

speaking or responding to questions of any kind

17

about the proposed cleanup plan during the hearing.

18

This hearing is being held on June

19

24th at the Portland City Building in Portland,

20

Oregon. Public notice was published in the

21

Oregonian Newspaper on Wednesday, June 8th and the

22

public comment period began on June 9th, 2016 and

23

it runs through midnight, September 6th, 2016.

24

Before we take your comment I'd like

25

to describe the process and procedures to be

1 followed today so that you know how your comments
2 will be handled.

3 Please provide your completed speaker
4 registration card. Turn off your cell phone and
5 raise your hand when you're ready to begin. Our
6 court reporter, Sue, will be recording proceedings
7 for this hearing. It's important to make sure that
8 you speak clearly and slowly so that we can capture
9 your comments for the official record. You will
10 have two minutes to provide your comment. To help
11 you keep to two minutes we have a visual time that
12 will run while your comments are being made and
13 everyone will be held to the same limit.

14 So we're now ready to hear your two
15 minute comment.

16 **MS. DANIELS:** So what I might do is
17 just have you give your two minutes, I won't go
18 through the whole thing, basically you've got two
19 minutes there, she's going to help you start.
20 Mostly my job is to keep the audience respectful
21 while you're speaking and there's nobody here so
22 why don't you go ahead and we don't have to wade
23 through everything.

24 Do you have any questions?

25 **MS.** (b) (6) No.

1 **MS. SMITH:** And after you have a seat
2 at the microphone what we'd like you to do for the
3 court reporter is to say and spell your name and
4 then I'll start the timer after that.

5 **MS. (b) (6)** Uh-huh. My name is
6 **(b) (6)**, I am a resident of
7 St. John's neighborhood. I was born and raised in
8 Portland, Oregon and I've been following the
9 Superfund process for the last three years,
10 approximately, going to the meetings at the BES
11 lab, trying to understand it as best I could so I
12 guess my testimony today concerns the gaps in the
13 EPA proposed plan.

14 One is the air. The other night at a
15 forum at Harriet Tubman School **(b) (6)**
16 reiterated that PCBs which are the main pollution
17 in the river, a virulent carcinogen, have become
18 airborne.

19 **MS. SMITH:** We have one person making
20 a comment right now.

21 (WHEREUPON, A DISCUSSION WAS HELD OFF THE RECORD)

22 **MS. (b) (6)** And so PCBs have become
23 airborne so anybody living near the river is
24 impacted by this. It doesn't matter if you swim in
25 it or not or you eat the fish or not, you are

1 impacted by PCBs that are in the air and the first
2 time he mentioned a five mile radius but I have
3 since read in other sources it's a 30 mile radius
4 so that's very concerning, especially for the
5 development that's going on in St. John's right now
6 where people are, developers are building things
7 practically right next to the river and I don't
8 think these newcomers are being apprised of what
9 they're exposing themselves and their children to.
10 The area is a cancer hot spot. I have family
11 members who have been afflicted by this and so I
12 think that this needs to be included in the plan
13 somehow. I don't think what they're proposing,
14 removal, containment, natural recovery, it's the
15 old industrial model, it's not very inspiring and
16 even what they're proposing to do of these three
17 components is simply not enough. I'm really
18 disappointed that there's no bio remediation
19 happening that I can discern. This is an old
20 industry cleanup model and it's simply not
21 sufficient and the T4 covered disposal facility or
22 toxic waste dump as we call it is out of the
23 question. No one wants that.

24 **MS. SMITH:** Thank you.

25 **MS. DANIELS:** If you'd like to write

1 any more on the third floor there's a place where
2 you can put in some written comments.

3 MS. (b) (6) : Thank you.

4 -oOo-

5 MR. (b) (6) : My name is (b)
6 (b) (6)

7 So I care greatly about the
8 Willamette River and the Willamette River, I'm
9 concerned about the wildlife. I feel that our
10 rivers have been denied to the community for
11 decades, that no one in Portland has really ever
12 experienced anything other than a contaminated
13 river, that precludes all kinds of activities
14 including fishing in a meaningful way, excludes
15 access to the certain areas. We live in an
16 incredibly toxic city and the river is a big piece
17 of that so I'm looking for a cleanup that actually
18 gets us to levels that are safe and healthy for our
19 community and for the wildlife and for the
20 environment. I don't feel that this proposal gets
21 us there, it leaves a vast majority of the river
22 contaminated. I don't have confidence that water
23 natural recovery will be an effective strategy, to
24 be that as a do nothing and hope it goes away
25 strategy, so I'd like to see an approach that

1 removes far more contaminates from the river and
2 which covers a far larger area of the river than is
3 being proposed. Seems to me that the EPA's focus
4 has been far too heavily on the industrial side of
5 the equation in terms of what the impact will be on
6 the polluters. This has been a very closed process
7 as the Superfund typically is, the last 60 years
8 EPA interacting with polluters and other public
9 agencies.

10 We appreciate the extension on the
11 time line for public comment but the public's
12 getting 90 days, the polluters have had 60 years.
13 But I think the plan reflects an emphasis on
14 polluters as well as keeping costs down, a do
15 nothing strategy so my hope is EPA will come back
16 to the table with something much more aggressive.

17 Thank you.

18 **MS. SMITH:** Thank you.

19 -oOo-

20 (b) (6) : My name is (b) (6) as
21 it sounds and I'm with Lightning Watchdog PDX.
22 And a couple of questions I have is on really
23 pertaining to the allocation group, if personal
24 property owners begin to say they really don't feel
25 they're responsible, and what I'm talking about is

1 someone who just, let's say they just bought a
2 property on the river say in the last three years,
3 what's, where the submersible land is they're going
4 to counter back and say that's really the state's
5 problem and that's the problem that happened many
6 years ago and some of that sediment could have
7 actually moved from one location in front of my
8 property and now you're saying somehow I'm
9 responsible for the submersible land out in front
10 of my property I've just bought. How are you going
11 to get someone like that to maybe agree to pay any
12 money toward the cleanup, and what happens when
13 they say I'm not going to, I want the state to take
14 care of it, it's their land technically and I want
15 them to pay the bill? So how do you handle that
16 type of situation, because I do know some owners
17 along that area that have purchased these
18 properties in say the last three to five years.

19 So how would you handle that
20 situation with a property owner that goes I've
21 decided I'm not paying anything, and I have no
22 interest in contributing? Do you try to enforce
23 that somehow or do you just say, you know what I'm
24 saying? It's kind of a difficult situation but
25 what would you do at that point?

1 And that's my question. Do you
2 respond to it? Or is it just communication?

3 **MR. BARBER:** No. The nature of the
4 hearing is we're not allowed to respond to those
5 questions. They are recorded and Betsy may be
6 better able to describe that process.

7 **MS. DANIELS:** Sure.

8 So what EPA is now, because your
9 question is part of the record is formally required
10 to respond as part of their record of decision so
11 you will see a formal response back. You may also
12 go over there to meeting room B and there's a lot
13 of EPA folks that you can engage in a dialogue
14 about that question but your dialogue would not be
15 part of a formal record.

16 (b) (6) : Okay. When you said a
17 formal response back when would I receive that? Do
18 I receive that directly or is that input into a
19 publication?

20 **MR. BARBER:** The end of the comment
21 period is September 9th.

22 **MS. DANIELS:** 6th.

23 **MR. BARBER:** 6th, sorry. So at that
24 point and prior to that point EPA starts working on
25 preparing responses to those comments so I don't

1 know exactly what, at what point afterward.

2 **MS. DANIELS:** I think by the end of
3 the year.

4 (b) (6) : And if I might just ask
5 something real fast, on that allocation group, does
6 the public have a chance to go to any of those
7 meetings where the allocation group would allow the
8 public to hear discussion --

9 **MS. DANIELS:** That's a great question
10 for the folks in the next room, they'll be able to
11 answer that.

12 (b) (6) Again my name is
13 (b) (6) , just for the record.

14 Thank you.

15 **MS. DANIELS:** Thank you for your
16 time.

17 Since we have a little audience here
18 I'll give a little overview.

19 My name is Betsy Daniels and I'm just
20 playing the role of facilitator today. I work for
21 Triangle Associates, we're a consulting firm that
22 helps with public involvement and with my colleague
23 Martha Been here who is also from Triangle. This
24 is Tony Barber from EPA, he's your hearing officer
25 today and he is with EPA and what we have today in

1 this room are two minute formal comments and so
2 this is our, Sue is our court reporter and she is,
3 will be taking your comment into the record. All
4 comments EPA is required to respond to as part of
5 the record of decision and we are taking or EPA is
6 taking comments through September 6th so it's after
7 that time that EPA will start working on responding
8 to all the comments.

9 All comments given whether they be
10 oral today, and we just provide a two minute time
11 to provide some equal nature amongst everyone that
12 participates, but you can also choose to provide
13 e-mail, you could come back to another meeting and
14 provide another oral comment if you wanted but
15 today we're just doing one oral comment per person.

16 We're really asking that the audience
17 be respectful of the person that's giving their
18 comment today. You might hear something you agree
19 or disagree with but since it's not Facebook we
20 don't comment on other people's comments so we ask
21 that you might hear it and just acknowledge for
22 yourself but not make any sort of clapping or
23 groans or anything to make the person
24 uncomfortable.

25 So we'll go ahead and start with

1 Number 3.

2 (b) (6), is that you? And we'll have
3 you come up here and since Sue is doing her best to
4 capture if you could please say your name and then
5 spell it and then we'll start this little timer for
6 you.

7 **MR.** (b) (6) (b) (6)

8 (b) (6) .

9 I've been a citizen of Portland for
10 31 years. It appears that most of the contaminants
11 of concern are the type of contaminants that seem
12 to be likely produced by businesses, and yet I'm
13 hearing that the public ratepayers, via Vera
14 Environmental Services, I believe, would end up
15 paying some fraction of the cleanup cost. I would
16 guess that you're getting pressure from the
17 business owning ERPs to have the public in the form
18 of Vera Environmental Services share this cost for
19 various reasons related to outfalls in the river.
20 As a member of the public I would push back against
21 that and ask that the great majority of the cost,
22 preferably all of it, be assigned to the types of
23 businesses that create the contaminants of concern.

24 **MR. BARBER:** Thank you.

25 -oOo-

1 **MS. DANIELS:** Next we have number 2.

2 (b) (6) ?

3 So (b) (6) the same, if you could say
4 your name and spell it for Sue because there's so
5 many different spellings and then I'll start you
6 off.

7 **MS. (b) (6) :** It's (b) (6) ,

8 (b) (6)

9 I just wanted to let it be known that
10 I really think that the people who drop poisons on
11 us need to clean it up. The polluters need to pay.
12 And they need to clean up all of it, not just eight
13 percent of it or 14 percent of it, all of it. And
14 it needs to be cleaned up and removed to A toxic
15 waste dump, all the contaminated silt, not put
16 right next to the river, we want to clean up the
17 river, we want it to be a natural river, a river we
18 can use and enjoy again and not get a rash every
19 time we accidentally fall into the water, so that
20 it needs, you know, the contaminated silt needs to
21 be taken away. If PCBs were banished in the '70s
22 and they're still in the river more than 35 years
23 later just watching it, what do they call it,
24 monitored natural recovery doesn't work. It has to
25 be cleaned up and removed and we need to hire

1 locally for the cleanup. We have to do it, we
2 might as well get some jobs here. But the
3 polluters really need to pay for what they've done.
4 You can't come up and mess up our sandbox and leave
5 it for us. They need to clean it up.

6 Thank you.

7 **MS. DANIELS:** Thank you (b) (6) .

8 Next we have Number 5, I think it's
9 (b) (6) ?

10 (b) (6) (b) (6)

11 **MS. DANIELS:** Thank you. That's why
12 they put numbers.

13 . (b) (6) : Hi. My name is (b) (6)
14 and I'm affiliated with the East European
15 Coalition.

16 I'm a Russian specialist, I've taught
17 Russian for many years, I'm an interpreter,
18 translator, and I've worked with the East European
19 Coalition which sponsors a youth Russian leadership
20 conference every year and has for the last 20
21 years, and I'm here today because I know that the
22 East European Coalition has a small grant aiming to
23 engage and inform the Russian speaking community,
24 the East European community so to speak, multiple
25 languages beyond Russian about this and I happen to

1 know how common it is for Russians to go fish in
2 the Willamette.

3 My husband (b) (6) did a
4 photographic essay on this project in 2008 called
5 The Urban Willamette and he met (b) (6) and talked
6 to (b) (6) on the river and (b) (6) takes whatever he
7 fishes and takes it home to eat, and I also have
8 photographs from his project that show multiple
9 languages warning not to eat the fish out of the
10 Willamette in four or five languages. So I'm eager
11 to see that the broader community gets involved in
12 this, engaged in this project and is well informed
13 both in terms of language, in terms of opportunity
14 that they can participate, they can be informed to
15 protect their own health but also how they can
16 render development to their own community and I do
17 agree with the previous speaker that 12 to 15
18 percent is not enough of cleanup. I think it has
19 to be a whole lot higher than that although I
20 appreciate the presentation today about the
21 concentrations of the highest contamination.

22 I have a personal friend who worked
23 with (b) (6) on this project who's an environmental
24 engineer and how much is too much toxin.

25 **MS. DANIELS:** Thank you. If you have

1 any written comments be sure to drop them off.

2 MS. (b) (6) That's it. Thank you.

3 MS. DANIELS: Thank you.

4 I think that's all we had in the cue
5 at the moment. Is there anyone else who had signed
6 up to speak?

7 -oOo-

8 MS. SMITH: The first thing I'll have
9 you do before I start the clock is if you could say
10 and spell your name so that the court reporter gets
11 it in her notes.

12 (b) (6) Okay. My name is

13 (b) (6)

14 MS. SMITH: Okay.

15 MR. (b) (6) : My name is (b) (6)

16 I'm a long time resident of Portland, a
17 landowner and taxpayer and user of the river. I
18 live in the Portland West Hills and I'm concerned
19 about the proposed Superfund plan that's preferred.
20 I'm not convinced that dealing with eight percent
21 of the contaminated area is adequate. I am not
22 very comfortable with the capping plans, I don't
23 feel like the river bottom is a secure place, that
24 can be just kind of once you cover something there
25 that it's gone, I feel like that's not really

1 cleaning up the mess. I'm less concerned about
2 who's a responsible party than I am about getting
3 the poison out of the river so that it doesn't
4 affect animals and people and, you know, future
5 generations all the way down to the ocean. I would
6 like to see the most contaminated areas dredged and
7 the poisonous material dealt with until it's no
8 longer poisonous, not just moved to another site,
9 especially if that site is still in a flood land
10 area like is proposed. You know, maybe it can be
11 used to make concrete for an airport strip or
12 something far away or I like the idea of burning
13 the chemicals out of it in a safe way.

14 We do need something to happen and I
15 would hate for this to drag out any longer, I'd
16 like to see something done as soon as possible but
17 I would like a more thorough job of cleaning up the
18 mess.

19 That's what's most important I think,
20 not running blame but getting this cleaned up.

21 **MS. SMITH:** Okay.

22

23

24

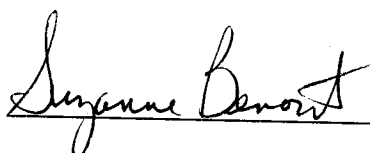
25

1 REPORTER CERTIFICATE

2
3 I, SUZANNE BENOIST, Certified Shorthand
4 Reporter, do hereby certify that there came before
5 me at City of Portland Building, 1120 SW 5th
6 Avenue, Portland, OR 97201, the above-referenced
7 parties, that the proceeding was translated and
8 proofread using computer-aided transcription, and
9 the above transcript of proceedings is a true and
10 accurate transcript of my notes as taken at the
11 time of said event.

12 I further certify that I am neither
13 attorney nor counsel for nor related nor employed
14 by any of the parties to the action in which this
15 examination is taken; further, that I am not a
16 relative or employee of any attorney or counsel
17 employed by the parties hereto or financially
18 interested in this action.

19 Dated this 6th day of July, 2016.

20
21 

22 SUZANNE BENOIST, RPR, CCR, CSR-IL
23
24
25